

Chapter 13

03-11854

WCH

Phone 781 2312077 Complaint And No 050110393 GAO

FILED
IN CLERK'S OFFICE
MAY
2005 FEB 29 P 1:53
U.S. DISTRICT COURT
DISTRICT OF MASS.

RECEIPT # 62403

AMOUNT \$ 0.00

SUMMONS ISSUED 1

LOCAL RULE 4.1 -

WAIVER FORMS -

MCF ISSUED -

BY DPTY CLK M.P.

DATE 3/1/05

MAGISTRATE JUDGE RBC

1. PLAINTIFF I Robert Pingaro
ASK This court for Justice
CASE I ASK THIS court for
ON THIS MATTER IN 1995 I BOUGHT A
House + land IN THE TOWN OF SAUGUS.
IN 1999 I FOUND OUT THAT MY House WAS
SINKING IN THE ground. I HAVE BEEN IN BOSTON
COURT FOR 5 YEARS FIGHTING IN THIS CASE
IN 2001 I FOUND OUT THAT MY LAND
IS CONTAMINATED AND HOUSE SINKING BECAUSE
IF THIS THE LOT WAS FILLED IN OVER THE
YEAR'S BY THE TOWN OF SAUGUS IT IS
A OLD DUMP SITE THE BUILDING DEPT
NEVER TALK ABOUT THIS BUT DID NOTHING
BACK THEN THEY ISSUED BUILDING PERMITS
TO BUILD THIS HOUSE ON THIS DUMP SITE
OVER FORTY YEAR'S AGO SO WITHOUT ME
PAYING ANY OF THIS I BROUGHT THIS HOUSE
AT 258 CENTRAL ST SAUGUS MASS 01906 IT
IS MY HOME IT IS WHERE I LIVE I HAVE
LESS EVERYTHING BECAUSE OF THIS THAT IS
WHY I AM FILING THIS LAW SUIT IN THE
AMOUNT OF 5 MILLION DOLLAR'S I ASN THIS
COURT FOR A HEARING ON THIS MATTER

Robert Pingaro
PRO

Allegat/ of S. 05 10393 GAO

2. The Town of Saugus filed in
my lot over the years land
contaminated House sinking.
And they new about it
all along and did not do
anything about it they left
the lot filed in with lead
COAL DUST pipe's lead metal.
wood ALL IN LOT And the Dep
is calling the town of Saugus
and the Board of Health

Robert Puryear PROCE
254 Central ST
Saugus MASS 01906

Robert PIAGGIO
258 central st
SAUGUS MASS 01906
PLAINTIFF

United States District Court
District of Massachusetts

Case 1:05-cv-10393-GAO

Document 1

Filed 03/01/2005

Page 3 of 6

JURISDICTION

This court has jurisdiction over the
matter pursuant to 28 U.S.C. § 1332

3.

Plaintiff I am a resident of this town of
Saugus Mass County Mass Schools
and I was borned in United States

Plaintiff's Robert PIAGGIO
258 central st
SAUGUS MASS 01906

Defendants Town of Saugus
SAUGUS MASS
and the Building Dept
UNITED STATES

Robert PIAGGIO pro se

Relief

05 10393 GAO

I ASK THIS COURT FOR

A HEARING ON THIS MATTER

AND ALSO A 5 MILLION DOLLAR'S LAW SUIT.

BECAUSE I HAVE LOST EVERYTHING

IN THIS CASE. IT IS ALL

IN AN APPRAISER REPORT AND
MORE REPORT'S TO COME AND
ALSO OLD REPORT I HAVE GONE
TO THIS COURT I HAD TO FILE CHAPTER 7
IN 201 BECAUSE MY LAND IS CONTAMINATED
AND IN 203 CHAPTER 13 BECAUSE MY HOUSE
IS SINKING. MY CREDIT IS GONE MY MONEY
IS GONE BECAUSE OF THIS. IT ALL BECAUSE
OF THE TOWN OF SAUGUS AND THE BUILDING DEPT
FILLING IN THIS OLD DUMPSTER AND GETTING AWAY
WITH IT I ASK THIS COURT FOR JUSTICE IN THIS
CASE AND ANY RELIEF THIS COURT SEE FIT.

John Pagan Jr.
Pagan Jr.

Sam Stella, Realtors

7 Lincoln Street, Wakefield, MA. 01880
(781)245-5454 Office (781)224-9778 Fax

February 14, 2005

RE: Property Located At 258 Central Street, Saugus, MA 01960

To Whom It May Concern:

05 C 10393 GAO

I was asked to do two real estate appraisals on the above named property within the last several years. A clarification of the conclusion of my two reports might be appropriate at this point.

Upon inspection of the legal single family colonial style dwelling, each room on the 1st floor was "off the bubble" when I placed a four (4) foot level on the floor. I had a feeling of dizziness (similar to a "fun house") because the floors were so out of level. The glass in most of the windows on the second floor was cracked. Doors did not close properly. The poured concrete basement walls contained cracks in various places (photos enclosed in the appraisals). This indicated that the building at 258 Central Street was on unstable ground.

It was obvious, upon visual inspection of the site (after inspecting the dwelling), that this property was an old neighborhood dump sight for many, many years prior to the improvement (dwelling) being constructed. As I walked down the hill on the east side of the site (70 degree slope into the Saugus River Basin), I observed trash typical of the 1960's. I walked further down the hill and noticed more trash from the 1950's and 1940's. I didn't continue any further.

I spoke to one person at the local town hall and two elderly people in the area who were well aware of 258 Central Street as the neighborhood dump when they were children.

A designated National Historic Site, the Saugus Iron Works, is located no more than one hundred (100) feet away from 258 Central Street, on the same side of the street. The Saugus Iron Works was the oldest iron mill in the country. It was established in 1636. The fuel used to make iron malleable at that time was coal. The by-product of coal was coal dust, often referred to as "dust" or "ash".

It is my conclusion that there is a high degree probably that the lot at 258 Central Street, is not only the old neighborhood dump possibly dating back to the mid to late 1600's, it is a hazardous waste site probably containing ash and many other materials (hazardous or otherwise).

"Market value" as defined by the Federal Home Loan Bank Board (FHLBB) is enclosed in this letter. When reading the enclosed definition, the property at 258 Central Street, Saugus, Essex County, Massachusetts, definitely does not conform to that definition. In this area, a buyer will typically finance the purchase his/her primary residence through a lender and not pay cash. No lender will use the property located at 258 Central Street as collateral for a loan based upon the Seller's "full disclosure" of these "material defects". Therefore, this property according to the definition of "market value" is unmarketable and valueless. A major "clean-up" is probably necessary. Even with a "clean-up", "full disclosure" will be required upon a sale. I doubt very that a lender would give a loan to a typical buyer as collateral for this property after full disclosure of the history and material facts.

Respectfully,

~~Sam Stella,
MA Real Estate Appraiser's Lic. #651~~

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

CLERKS OFFICE

<p>I. (a) PLAINTIFFS</p> <p><i>Robert Pinger PRO 258 CENTRAL ST SAUGUS MASS</i></p> <p>(b) County of Residence of First Listed Plaintiff <i>SAUGUS MASS</i> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) <i>Proce 781 231 2079</i></p>	<p>DEFENDANTS</p> <p><i>TOWN OF SAUGUS 2905 FEB 29 1974 126537 SAUS 75 MASS 01906</i></p> <p>County of Residence of First Listed Defendant U.S. DISTRICT COURT (Indicate Plaintiff Cases Only)</p> <p>NOTE: IN LAND & CONDEMNATION CASES, STATE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) <i>05 10393 GAO 781 231 4101</i></p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>		<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)</p> <table border="1"> <thead> <tr> <th>Citizen of This State</th> <th>PTF</th> <th>DEF</th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 6</td> </tr> <tr> <td colspan="5">Incorporated or Principal Place of Business In This State</td> </tr> <tr> <td colspan="5">Incorporated and Principal Place of Business In Another State</td> </tr> <tr> <td colspan="5">Foreign Nation</td> </tr> </tbody> </table>								Citizen of This State	PTF	DEF	PTF	DEF	<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/>	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 5	<input type="checkbox"/>	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/>	<input type="checkbox"/> 6	Incorporated or Principal Place of Business In This State					Incorporated and Principal Place of Business In Another State					Foreign Nation				
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<p>V. ORIGIN (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment</p>	
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<p>VI. CAUSE OF ACTION</p>		<p>Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause:</p>					
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<p>VII. REQUESTED IN COMPLAINT:</p>		<p><input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23</p>		<p>DEMAND \$</p>		<p>CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
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<p>VIII. RELATED CASE(S) IF ANY</p>		<p>(See instructions): JUDGE</p>		<p>DOCKET NUMBER</p>			
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DATE SIGNATURE OF ATTORNEY OF RECORD
Ralf Pinger Proce

FOR OFFICE USE ONLY

RECEIPT # **AMOUNT** **APPLYING IFF** **JUDGE** **MAG. JUDGE**

ATTACHMENT 3

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

FILED
IN CLERK'S OFFICE

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730,
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 371,
380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

*Also complete AO 120 or AO 121
for patent, trademark or copyright cases

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3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

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